IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO.16 OF 1993

My Divine Co-op. Hsg.Soc. Ltd. Appellant

Vs.

Dr.Harish Gangaram Ahuja & ors. Respondent

Ms.A.R.S.Baxi for appellant.

CORAM: B.H.MARLAPALLE,J.

June 06, 2005.

ORAL ORDER:

1. By the impugned order dated 3/12/1992 two different Notices of Motion filed in two suits i.e. L.C.Suit No.3748 of 1980 and L.C.Suit No.8105 of 1988 came to be disposed of. The learned counsel for the appellant-Society states that L.C.Suit No.3748 of 1980 came to be decided on 11/8/1997 and the decree passed was challenged in First Appeal No.1078 of 1997 which is pending before this Court. Companion Appeal from Order no.15 of 1993 arising out of L.C.Suit No.3748 of 1980 has already been disposed of by this Court on 27/2/2003. This A.O. arises from L.C.Suit No.8105 of 1988 and there is no interim order passed in this appeal staying further proceedings in the said suit. However, as per the learned counsel for the appellant the suit has not progressed further and it is pending for the last more than 15 years. She, therefore, prays for disposal of this appeal by directing the L.C.Suit No.8105 of 1988 to be decided expeditiously and preferably within a fixed period.

2. Having regards to the directions given by the trial Court in the impugned order dated 3/1/1992 in respect of L.C.Suit No.8105 of 1988 the prayer made by the learned counsel deserves to be allowed. More so, because there is no interim relief order passed by this Court affecting the rights of the respondents.

3. In the premises the appeal is hereby disposed of and it is directed that L.C.Suit No.8105 of 1988 be heard and decided as expeditiously as possibly and preferably within a period of six months from the receipt of writ from this Court. No order as to costs.

(B.H.MARLAPALLE,J.)